

Hayes Township Planning Commission Special Use Permit Hearing January 15, 2013

Chair Jim Rudolph called this public hearing of the Hayes Township Planning Commission to order at 7:30 p.m. at the Hayes Township Hall, 09195 Old US 31, Charlevoix.

Chair Rudolph asked to be joined in repeating the Pledge of Allegiance.

Planning Commission members present were Jim Rudolph, Ed Bajos, Pat Phillips, Marilyn Morehead, Doug Kuebler and Steve Wilson. Cliff Biddick was absent. Also present were Marlene Golovich, secretary, and Jonathan Scheel, ZA. Audience members were Andy Poineau, Ben and Andrea Whitley, and L. Frye.

The purpose of the hearing is to take public comment on an application from Steve Ager (applicant) for a Special Land Use Permit for Resource Mining, Extraction or Fill. The property involved is property tax number 15-007-119-008-00 located at 11929 Boyne City Road, Charlevoix. This property is zoned C-2 General Commercial. Resource Mining is a use allowed by special use permit.

Andy Poineau, representative for the applicant, stated that approximately 25,000 yards of fill will be taken from the Devos site and spread on the Ager site. The fill will be graded, covered with top soil and seeded.

The Planning Commission reviewed Article VII, Section 7.01, 15 Resource Mining, Extraction and Fill

A. Site Plan Requirements

- 1) Noted on plan
- 2) Will begin as soon as possible and will discontinue while the spring load limits are on the roads. They will resume again once the limits have been lifted and discontinue again July 1 to Labor Day. All work will be completed within 1 year.
- 3) Hours of hauling and grading will be from 8:30 am to 6: pm. No fuel or building will be kept on site. A bulldozer may be kept on site for grading purposes and stored topsoil for use on site.
- 4) A private road (Indian Trails) will be used for hauling as well as a short section of the Boyne City Road. Truck crossing signs will be utilized on the Boyne City Road.
- 5) N/A
- 6) A truck washing station will be kept on the Devos building site, the material to be extracted and used as fill on the Ager property will consist of sandy clay. The noise will consist of trucks and a bulldozer. The only equipment kept on site will be a bulldozer. Water will be used as a dust control and soil erosion fence will be utilized.

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- 7) Grading will be sloped to the County ditches.
- 8) DEQ permit has been acquired and they will abide by the Hayes Township Stormwater Ordinance.
- 9) The project will be confined to the size of the quarry.
- 10) The permit is needed because they are moving mining spoils off site.

The Planning Commission review Article VI, Section 6.02, 4. Standards for Granting Special Use Permit.

- A. Allowed Special Land Use
Resource Mining is a use allowed by special use permit.
- B. Compatibility with Adjacent Land Uses
 - 1) All surrounding properties may be used as zoned
 - 2) The end result will leave the property in an improved state
 - 3) Hours of operation will be from 8:30 am – 6:00 pm
- C. Public Services
 - 1) There will be no increase on public resources
 - 2) N/A
- D. Economic Well-Being of the Community
The propose fill will improve the land
- E. Compatibility with Natural Environment
It will blend in with the natural environment
- F. Compliance with Specific Standards
It does comply with all applicable standards
- G. Conditional Approval
Conditions will be spelled out in the motion
- H. Performance Guarantee Required
No guarantee is required

Public comments:

Ben Whitley, a neighbor, stated he was not opposed to the project. A representative of the McMillan property did not have any concerns.

Close public comments.

Marilyn Morehead made a motion, supported by Steve Wilson to approve the Special Use Permit with the following conditions; hours of operation will be from 8:30 am to 6:00 pm, no fuel will be kept on site, truck crossing signs will be utilized on the Boyne City Road, all fill material will be graded, covered with top soil and seeded with native grasses, water will be used for dust control, and the project will not exceed 25,000 yards of fill. The fill will consist of sandy clay.

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Roll Call

Steve Wilson	Yes
Doug Kuebler	Yes
Ed Bajos	Yes
Jim Rudolph	Yes
Pat Phillips	Yes
Marilyn Morehead	Yes

Motion carried unanimously.

Without objection the hearing was adjourned at 8:10 p.m.

Respectfully submitted

Marlene Golovich, recording secretary

Steve Wilson Planning Commission Secretary

Minutes approved as written February 19, 2013